



Allegheny County Council

County of Allegheny
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Legislation Details (With Text)

File #: 11371-20 **Version:** 1 **Name:**

Type: Ordinance **Status:** Withdrawn

File created: 1/17/2020 **In control:** Committee on Government Reform

On agenda: 1/21/2020 **Final action:** 9/30/2020

Title: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question regarding the amendment of Article III, §6 of the Home Rule Charter of Allegheny County, which places restrictions on the ability of certain persons to run for federal, state, county and local elected office, be placed on the November 3, 2020 General Election ballot.

Sponsors: Nick Futules, Patrick Catena, Bob Macey

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/30/2020	1	County Council	Withdrawn	
1/29/2020	1	Committee on Government Reform	Held in Committee	
1/21/2020	1	County Council	Referred by Chair	

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question regarding the amendment of Article III, §6 of the Home Rule Charter of Allegheny County, which places restrictions on the ability of certain persons to run for federal, state, county and local elected office, be placed on the November 3, 2020 General Election ballot.

Whereas, Article III, §6(b) of the Home Rule Charter of Allegheny County prohibits all County Council members from seeking other elected office without first having resigned from County Council; and

Whereas, this broadly drafted restriction is unique to County Council members, and does not apply to any other elected official governed by the terms of the Home Rule Charter; and

Whereas, Article III, §6(a) of the Charter imposes a much less stringent prohibition upon the Chief Executive, requiring only that the Chief Executive not be a candidate for two different County elected offices at the same time; and

Whereas, it is the judgment of Council that imposing a more stringent prohibition upon members of Council serves no meaningful purpose, insofar as a member of Council seeking other office does not impair the function or operations of County government; and

Whereas, imposing differential restrictions on the ability of Council members to seek other elected office is also inconsistent with the provisions of Article III, §6(c), which restricts actually holding other elected office by the Chief Executive and Council members in exactly the same fashion; and

Whereas, requiring the resignation of a Council member before he or she can seek other elected office

on its face functions to thwart the will of the voters who elected the Council member in question, rather than allowing the electorate to determine where an individual can best serve the needs of his or her constituents; and

Whereas, as part of its 2016 report, the Allegheny county Government Review Commission expressly recommended that the same restrictions on seeking and holding other elected offices should apply to both the Chief Executive and Council members;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Ballot Question.

Pursuant to the Second Class County Charter Law and the Home Rule Charter and Optional Plans Law, the Allegheny County Board of Elections is hereby directed to place the following question on the November 6, 2018 General Election Ballot for consideration and approval by the registered electors of the County:

Shall Article III, Subsection 6(b) of Allegheny County's Home Rule Charter be repealed in order to allow Members of County Council the same freedom of right to seek other elected office as is accorded to all other independently elected officials in Allegheny County, such that Council Members are permitted to run for nomination or election to elected office other than that of County Council Member without first having to resign from County Council?

SECTION 3. Effective Date.

The provisions of this Ordinance shall become effective immediately upon final approval.

SECTION 4. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 5. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.